

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGEL RODRIGUEZ,

Plaintiff,

-against-

MARY ASHONG, et al.,

Defendants.

No. 24-CV-5349 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of the letters filed Plaintiff and by interested party New York State Office of the Attorney General (the "NY OAG") regarding Plaintiff's request to schedule a de bene esse deposition and the NY OAG's request for an extension of time to respond to Plaintiff's complaint. (See dkt. nos. 14, 16, 18, 22.)

A "de bene esse deposition . . . is a deposition taken in anticipation of a future need" such as "when [a] party demonstrates that the witness may become unavailable for trial," including due to the witness's serious medication condition. Broker Genius, Inc. v. Seat Scouts LLC, 2018 6242226, at *3 (S.D.N.Y. Nov. 29, 2018) (internal quotations and citations omitted). Given the representation Plaintiff has made about the dire state of his health and the apparent amenability of Defendants' respective counsel to take a deposition, the Court hereby authorizes the parties to depose Plaintiff de bene esse during the week of

September 23, 2024. However, the parties are directed to keep the Court apprised of any improvement in Plaintiff's medical condition that would warrant delaying his deposition until after the Defendants have responded to his complaint.

The Court denies Plaintiff's request to change the deadline for the Defendants to answer or otherwise respond to Plaintiff's complaint, which deadline the Court has already extended to Counsel for is ordered to respond to October 10, 2024, in light of the internal processes the NY OAG required Defendants to complete before they could obtain representation in the instant case. (See dkt. nos. 14-15.)

The Clerk of the Court is directed to close docket entries 16, 19, and 22.

SO ORDERED.

Dated: August 30, 2024
New York, New York



LORETTA A. PRESKA
Senior United States District Judge